

House File 2367

H-8052

1 Amend House File 2367 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 261E.8, subsection 2, Code 2018, is
5 amended to read as follows:

6 2. Students from accredited nonpublic schools and students
7 receiving competent private instruction ~~or independent private~~
8 ~~instruction~~ under [chapter 299A](#) may access the program through
9 the school district in which the accredited nonpublic school or
10 private institution is located.

11 Sec. 2. Section 299.1, subsection 1, Code 2018, is amended
12 to read as follows:

13 1. Except as provided in [section 299.2](#), the parent,
14 guardian, or legal or actual custodian of a child who is of
15 compulsory attendance age shall cause the child to attend some
16 public school or an accredited nonpublic school, or place
17 the child under competent private instruction ~~or independent~~
18 ~~private instruction~~ in accordance with the provisions of
19 [chapter 299A](#), during a school year, as defined under section
20 279.10.

21 Sec. 3. Section 299.1B, Code 2018, is amended to read as
22 follows:

23 **299.1B Failure to attend — driver's license.**

24 A person who ~~is of compulsory attendance age who does~~
25 ~~not meet the requirements for an exception under section~~
26 ~~299.2, who~~ does not attend a public school or an accredited
27 nonpublic school, who is not receiving competent private
28 instruction ~~or independent private instruction~~ in accordance
29 with the provisions of [chapter 299A](#), and who does not attend
30 an alternative school or adult education classes, shall not
31 receive an intermediate or full driver's license until age
32 eighteen.

33 Sec. 4. Section 299.4, subsection 1, Code 2018, is amended
34 to read as follows:

35 1. The parent, guardian, or legal custodian of a child who

1 is of compulsory attendance age, who places the child under
2 competent private instruction under either [section 299A.2](#) or
3 [299A.3](#), not in an accredited school or a home school assistance
4 program operated by a school district or accredited nonpublic
5 school, shall furnish a report in duplicate on forms provided
6 by the public school district, to the district by September 1
7 of the school year in which the child will be under competent
8 private instruction. The secretary shall retain and file
9 one copy and forward the other copy to the district's area
10 education agency. The report shall state the name and age of
11 the child, the period of time during which the child has been
12 or will be under competent private instruction for the year,
13 an outline of the course of study, texts used, and the name
14 and address of the instructor. The parent, guardian, or legal
15 custodian of a child, who is placing the child under competent
16 private instruction for the first time, shall also provide the
17 district with evidence that the child has had the immunizations
18 required under [section 139A.8](#), and, if the child is elementary
19 school age, a blood lead test in accordance with section
20 135.105D. The term "*outline of course of study*" shall include
21 subjects covered, lesson plans, and time spent on the areas of
22 study.

23 Sec. 5. Section 299.6A, subsection 1, Code 2018, is amended
24 to read as follows:

25 1. In lieu of a criminal proceeding under [section 299.6](#),
26 a county attorney may bring a civil action against a parent,
27 guardian, or legal or actual custodian of a child who is of
28 compulsory attendance age, has not completed educational
29 requirements, and is truant, if the parent, guardian, or legal
30 or actual custodian has failed to cause the child to attend a
31 public school or an accredited nonpublic school, or to place
32 the child under competent private instruction ~~or independent~~
33 ~~private instruction~~ in the manner provided in [this chapter](#). If
34 the court finds that the parent, guardian, or legal or actual
35 custodian has failed to cause the child to attend as required

1 in [this section](#), the court shall assess a civil penalty of not
2 less than one hundred but not more than one thousand dollars
3 for each violation established.

4 Sec. 6. Section 299.8, Code 2018, is amended to read as
5 follows:

6 **299.8 "Truant" defined.**

7 Any child of compulsory attendance age who fails to attend
8 school as provided in [this chapter](#), or as required by the
9 school board's or school governing body's attendance policy,
10 or who fails to attend competent private instruction ~~or~~
11 ~~independent private instruction~~ under [chapter 299A](#), without
12 reasonable excuse for the absence, shall be deemed to be a
13 truant. A finding that a child is truant, however, shall not
14 by itself mean that the child is a child in need of assistance
15 within the meaning of [chapter 232](#) and shall not be the sole
16 basis for a child in need of assistance petition.

17 Sec. 7. Section 299.11, subsection 1, Code 2018, is amended
18 to read as follows:

19 1. The truancy officer may take into custody without
20 warrant any apparently truant child and place the child
21 in the charge of the school principal, or the principal's
22 designee, designated by the board of directors of the school
23 district in which the child resides, or in the charge of any
24 nonpublic school or any authority providing competent private
25 instruction ~~or independent private instruction~~ as defined in
26 section 299A.1, designated by the parent, guardian, or legal
27 or actual custodian; but if it is other than a public school,
28 the instruction and maintenance of the child shall be without
29 expense to the school district. If a child is taken into
30 custody under [this section](#), the truancy officer shall make
31 every reasonable attempt to immediately notify the parent,
32 guardian, or legal or actual custodian of the child's location.

33 Sec. 8. Section 299.12, subsection 2, Code 2018, is amended
34 to read as follows:

35 2. [This section](#) is not applicable to a child who is

1 receiving competent private instruction ~~or independent private~~
2 ~~instruction~~ in accordance with the requirements of chapter
3 299A. If a child is not in compliance with the attendance
4 requirements established under [section 299.1](#), and has not
5 completed educational requirements through the sixth grade,
6 and the school has used every means available to assure the
7 child does attend, the school truancy officer shall contact
8 the child's parent, guardian, or legal or actual custodian to
9 participate in an attendance cooperation meeting. The parties
10 to the attendance cooperation meeting may include the child
11 and shall include the child's parent, guardian, or legal or
12 actual custodian and the school truancy officer. The school
13 truancy officer contacting the participants in the attendance
14 cooperation meeting may invite other school officials, a
15 designee of the juvenile court, the county attorney or the
16 county attorney's designee, or other persons deemed appropriate
17 to participate in the attendance cooperation meeting.

18 Sec. 9. Section 299A.1, Code 2018, is amended to read as
19 follows:

20 **299A.1** ~~Competent private~~ Private instruction and ~~independent~~
21 ~~private instruction.~~

22 1. The parent, guardian, or legal custodian of a child of
23 compulsory attendance age who places the child under private
24 instruction shall provide, unless otherwise exempted, competent
25 private instruction ~~or independent private instruction~~ in
26 accordance with [this chapter](#). A parent, guardian, or legal
27 custodian of a child of compulsory attendance age who places
28 the child under private instruction which is not competent
29 private instruction ~~or independent private instruction~~,
30 or otherwise fails to comply with the requirements of this
31 chapter, is subject to the provisions of sections 299.1 through
32 299.4 and the penalties provided in [section 299.6](#).

33 2. For purposes of [this chapter](#) and [chapter 299](#):

34 a. "*Competent private instruction*" means private instruction
35 provided on a daily basis for at least one hundred forty-eight

1 days during a school year, to be met by attendance for at
2 least thirty-seven days each school quarter, by or under the
3 supervision of a licensed practitioner in the manner provided
4 under [section 299A.2](#), or a parent, guardian, or legal custodian
5 under section 299A.3, which results in the student making
6 adequate progress.

7 ~~*b.* “Independent private instruction” means instruction that~~
8 ~~meets the following criteria:~~

9 ~~(1) Is not accredited.~~

10 ~~(2) Enrolls not more than four unrelated students.~~

11 ~~(3) Does not charge tuition, fees, or other remuneration for~~
12 ~~instruction.~~

13 ~~(4) Provides private or religious-based instruction as its~~
14 ~~primary purpose.~~

15 ~~(5) Provides enrolled students with instruction in~~
16 ~~mathematics, reading and language arts, science, and social~~
17 ~~studies.~~

18 ~~(6) Provides, upon written request from the superintendent~~
19 ~~of the school district in which the independent private~~
20 ~~instruction is provided, or from the director of the department~~
21 ~~of education, a report identifying the primary instructor,~~
22 ~~location, name of the authority responsible for the independent~~
23 ~~private instruction, and the names of the students enrolled.~~

24 ~~(7) Is not a nonpublic school and does not provide competent~~
25 ~~private instruction as defined in [this subsection](#).~~

26 ~~(8) Is exempt from all state statutes and administrative~~
27 ~~rules applicable to a school, a school board, or a school~~
28 ~~district, except as otherwise provided in [chapter 299](#) and this~~
29 ~~chapter.~~

30 ~~*e.* b. “Private instruction” means instruction using a~~
31 ~~plan and a course of study in a setting other than a public or~~
32 ~~organized accredited nonpublic school.~~

33 Sec. 10. Section 299A.3, unnumbered paragraph 1, Code 2018,
34 is amended to read as follows:

35 A parent, guardian, or legal custodian of a child of

1 compulsory attendance age providing competent private
2 instruction to the child ~~may~~ shall meet all of the following
3 requirements:

4 Sec. 11. Section 299A.11, Code 2018, is amended to read as
5 follows:

6 **299A.11 Student records confidential.**

7 Notwithstanding any provision of law or rule to the
8 contrary, personal information in records regarding a child
9 receiving competent private instruction ~~or independent private~~
10 ~~instruction~~ pursuant to this chapter, which are maintained,
11 created, collected, or assembled by or for a state agency,
12 shall be kept confidential in the same manner as personal
13 information in student records maintained, created, collected,
14 or assembled by or for a school corporation or educational
15 institution in accordance with section 22.7, subsection 1.

16 Sec. 12. Section 321.178, subsection 1, paragraph c, Code
17 2018, is amended to read as follows:

18 c. Every public school district in Iowa shall offer
19 or make available to all students residing in the school
20 district, or Iowa students attending a nonpublic school or
21 receiving competent private instruction ~~or independent private~~
22 ~~instruction as defined in section 299A.1~~, in the district, an
23 approved course in driver education. The receiving district
24 shall be the school district responsible for making driver
25 education available to a student participating in open
26 enrollment under section 282.18. The courses may be offered
27 at sites other than at the public school, including nonpublic
28 school facilities within the public school districts. An
29 approved course offered during the summer months, on Saturdays,
30 after regular school hours during the regular terms or partly
31 in one term or summer vacation period and partly in the
32 succeeding term or summer vacation period, as the case may
33 be, shall satisfy the requirements of this section to the
34 same extent as an approved course offered during the regular
35 school hours of the school term. A student who successfully

1 completes and obtains certification in an approved course in
2 driver education or an approved course in motorcycle education
3 may, upon proof of such fact, be excused from any field test
4 which the student would otherwise be required to take in
5 demonstrating the student's ability to operate a motor vehicle.
6 A student shall not be excused from any field test if a parent,
7 guardian, or instructor requests that a test be administered.
8 A final field test prior to a student's completion of an
9 approved course shall be administered by a person qualified
10 as a classroom driver education instructor and certified to
11 provide street and highway driving instruction. A person
12 qualified as a classroom driver education instructor but not
13 certified to provide street and highway driving instruction
14 may administer the final field test if accompanied by another
15 person qualified to provide street and highway driving
16 instruction.

17 Sec. 13. Section 321.180B, subsection 2, paragraph a, Code
18 2018, is amended to read as follows:

19 a. The department may issue an intermediate driver's
20 license to a person sixteen or seventeen years of age who
21 possesses an instruction permit issued under [subsection 1](#) or
22 a comparable instruction permit issued by another state for a
23 minimum of twelve months immediately preceding application,
24 and who presents an affidavit signed by a parent, guardian, or
25 custodian on a form to be provided by the department that the
26 permittee has accumulated a total of twenty hours of street
27 or highway driving of which two hours were conducted after
28 sunset and before sunrise and the street or highway driving was
29 with the permittee's parent, guardian, custodian, instructor,
30 a person certified by the department, or a person at least
31 twenty-five years of age who had written permission from a
32 parent, guardian, or custodian to accompany the permittee, and
33 whose driving privileges have not been suspended, revoked,
34 or barred under [this chapter](#) or [chapter 321J](#) during, and who
35 has been accident and violation free continuously for, the

1 six-month period immediately preceding the application for an
2 intermediate license. An applicant for an intermediate license
3 must meet the requirements of [section 321.186](#), including
4 satisfactory completion of driver education as required in
5 section 321.178 ~~or 321.178A~~, and payment of the required
6 license fee before an intermediate license will be issued. A
7 person issued an intermediate license must limit the number of
8 passengers in the motor vehicle when the intermediate licensee
9 is operating the motor vehicle to the number of passenger
10 safety belts. In addition, unless waived by the person's
11 parent or guardian at the time the intermediate license is
12 issued, for the first six months following issuance of the
13 license, a person issued an intermediate license must limit the
14 number of unrelated minor passengers in the motor vehicle when
15 the intermediate licensee is operating the motor vehicle to
16 one, except when the intermediate licensee is accompanied in
17 accordance with [subsection 1](#). For purposes of [this subsection](#),
18 *"unrelated minor passenger"* means a passenger who is under
19 eighteen years of age and who is not a sibling of the driver, a
20 stepsibling of the driver, or a child who resides in the same
21 household as the driver. The department shall prescribe the
22 form for waiver of the six-month restriction on unrelated minor
23 passengers, which may be in an electronic format, and shall
24 designate characteristics for the intermediate license that
25 shall distinguish between an intermediate license that includes
26 the six-month restriction on unrelated minor passengers and
27 an intermediate license that does not include the six-month
28 restriction on unrelated minor passengers.

29 Sec. 14. REPEAL. Section 321.178A, Code 2018, is repealed.>

30 2. Title page, by striking lines 1 through 4 and inserting
31 <An Act relating to private instruction.>